

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

RAYMOND PADILLA,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 2:20-cv-00352-RFB-BNW

**ORDER**

Inmate Plaintiff Raymond Padilla submitted initiating documents to the court on February 18, 2020, which include an application to proceed *in forma pauperis* (IFP) and a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) This court previously denied Plaintiff's IFP application without prejudice because it was incomplete. (*See* ECF No. 3.) Specifically, Plaintiff did not include an inmate account statement for the past six months. (*Id.*)

Plaintiff then objected to this order, stating that he is reliant upon the prison for his inmate account statement and that he is not being given access to this statement. (*See* ECF No. 4.) He also asked the court for an order directing the prison to provide this account statement. (*Id.*)

The same day that Plaintiff objected to this court's prior order, he filed a new IFP application. (ECF No. 5.) This new IFP application still does not include an inmate account statement. (*Id.*)

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an incarcerated plaintiff seeking to proceed without paying the filing fee must complete an application to proceed IFP and attach (1) an inmate account statement for the past six months, and (2) a financial certificate from the institution where he is incarcerated certifying the amount of funds in plaintiff's inmate trust account at the institution. If the plaintiff has been incarcerated at the institution for fewer than six months, the certificate must show the account's activity for the shortened period. LSR 1-2.


1 Here, plaintiff's IFP application is still incomplete because it does not include an inmate  
2 account statement for the past six months. However, given Plaintiff's statements regarding not  
3 being given access to this statement and his sworn statement that he is unable to pay the filing fee  
4 in this case, the court will grant his IFP application and order him to file his account statement for  
5 the past six months by September 4, 2020. If Plaintiff is not given access to his account statement  
6 for the past six months before September 4, 2020, he must file a notice with the court stating this.

7 IT IS THEREFORE ORDERED that plaintiff's Application to Proceed *In Forma*  
8 *Pauperis* (ECF No. 5) is GRANTED.

9 IT IS FURTHER ORDERED that Plaintiff must file his account statement for the past six  
10 months by September 4, 2020.

11 IT IS FURTHER ORDERED that if Plaintiff is not given access to his account statement  
12 for the past six months before September 4, 2020, he must file a notice with the court stating this.

13  
14 DATED: March 4, 2020

15  
16   
17 BREND A WEKSLER  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28